

Serial No. 10/762,559
Docket No. K06-165935M/TBS

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REMARKS

Applicants concurrently file herewith a Petition for Extension of Time, and corresponding extension of time fee, for a one-month extension of time.

Claims 1-19 are all the claims presently pending in the application. Claims 1, 5 and 9 have been amended to more particularly define the claimed invention.

Entry of this Amendment is believed proper since no new issues are being presented to the Examiner that would require further consideration and/or search.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-8 and 15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Iguchi et al. (U.S. Patent No. 6,270,596; hereinafter "Iguchi"). Claims 9-14 and 16-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Iguchi.

These rejections are respectfully traversed in the following discussion.

L THE CLAIMED INVENTION

The claimed invention of exemplary claim 1 provides a steel for use in a high strength pinion shift wherein the steel includes a 3-phase texture of ferrite + pearlite + bainite. (e.g., see Application at page 7, lines 13-24). These features are important for providing a steel for use in a high strength pinion shaft which is not refined and used by high frequency hardening, with less occurrence of peeling upon hobbing, having higher surface hardness and impact value and torsional strength after high frequency hardening, and with less heat treatment strains (see Application at page 5, lines 5-12).

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II. PRIOR ART REFERENCE

The Examiner alleges that Iguchi teaches the claimed invention of claims 1-8 and 15. Furthermore, the Examiner alleges that the claimed invention of claims 9-14 and 16-19 would have been obvious in view of Iguchi. Applicants submit, however, that Iguchi does not teach or suggest (nor make obvious) each and every feature of the claimed invention.

That is, Iguchi does not teach or suggest a steel for use in a high strength pinion shaft *"wherein the steel comprises a 3-phase texture of ferrite + pearlite + bainite"*, as recited in claim 1 and similarly recited in claims 5 and 9.

The Examiner attempts to rely on Steel 7 in Table 1 of Iguchi to support his allegation. The Examiner, however, is clearly incorrect.

That is, nowhere in this table (nor anywhere else for that matter) does Iguchi teach or suggest a steel for use in a high strength pinion shaft wherein the steel includes a 3-phase texture of ferrite + pearlite + bainite. Indeed, the Examiner does not even allege that Iguchi teaches or suggests these features.

Table 1 of Iguchi merely provides several examples of steels for a shaft. The steels in Table I of Iguchi include a composition containing varying amounts of C, Si, Mn, P, S, Cr, Mo, B, Ti, Al, N and O. However, nowhere does Iguchi teach or suggest that the steels in Table 1 are hot rolled to obtain the claimed tissue texture.

That is, the claimed invention (e.g., as defined by exemplary claim 1) recites a steel including a 3-phase texture of ferrite + pearlite + bainite. According to the specification, since the hardness of the steel increases remarkably and the impact value of the steel is

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lowered when martensite is present, the steel is hot rolled to form a three-phase tissue of ferrite, pearite and bainite. This feature is not taught or suggested by Iguchi.

Therefore, Applicants submit that Iguchi does not teach or suggest each and every feature of the claimed invention. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

IV. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicants submit that claims 1-19, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: April 10, 2006



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FACSIMILE TRANSMISSION

I hereby certify that I am filing this paper via facsimile, to Group Art Unit 1742, at (571) 273-8300, on April 10, 2006.

Respectfully Submitted,

Date: April 10, 2006



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